

Document # 5238

10 / 26 / 89

Doc. # 5238
ADOPTED 10/26/89

RESOLUTION OF THE BOSTON REDEVELOPMENT AUTHORITY
RE: FINAL DESIGNATION OF REDEVELOPER; APPROVAL OF
FINAL WORKING DRAWINGS AND SPECIFICATIONS AND
PROPOSED DISPOSITION OF PARCEL RE-7B IN THE SOUTH
END URBAN RENEWAL AREA PROJECT NO. MASS R-56

WHEREAS, the Boston Redevelopment Authority, (hereinafter referred to as the "Authority"), has entered into a contract for loan and capital grant with the Federal Government under Title 1 of the Housing Act of 1949, as amended, which contract provides for financial assistance in the hereinafter identified Project; and

WHEREAS, the Urban Renewal Plan for the South End Urban Renewal Area, Project No. Mass R-56, (hereinafter referred to as the "Project Area"), has been duly reviewed and approved in full compliance with local, State and Federal law; and

WHEREAS, the Authority is cognizant of the conditions that are imposed in the undertaking and carrying out of urban renewal projects with the Federal financial assistance under said Title I, including those prohibiting discrimination because of race, color, sex, religion, or national origin; and

WHEREAS, Langham Court Limited Partnership has expressed an interest in and has submitted a satisfactory proposal for the development of Disposition Parcel RE-7B in the South End Urban Renewal Area; and

WHEREAS, the Authority is cognizant of Chapter 30, Sections 61 through 62H of the Massachusetts General Laws, as amended, with respect to minimizing and preventing damage to the environment:

NOW THEREFORE, BE IT RESOLVED BY THE BOSTON REDEVELOPMENT AUTHORITY:

1. That Langham Court Limited Partnership be, and hereby is, finally designated as Redeveloper of Parcel RE-7B in the South End Urban Renewal Area;
2. That it is hereby determined that Langham Court Limited Partnership possesses the qualifications and financial resources necessary to acquire and develop Parcel RE-7B in accordance with the Urban Renewal Plan for the Project Area;
3. That disposal of said parcel by negotiation is the appropriate method of making the land available for redevelopment;

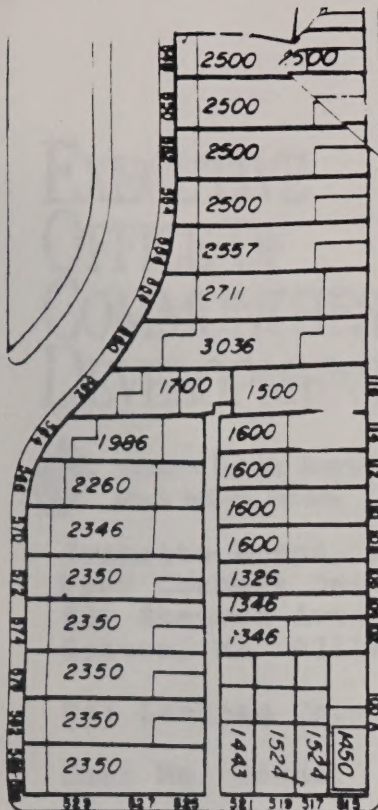
4. That the Final Working Drawings and Specifications submitted by Langham Court Limited Partnership for the development of RE-7B conform in all respects to the Urban Renewal Plan for the Project Area and that said Final Working Drawings and Specifications be, and hereby are, approved;

5. That it is hereby found and determined that the proposed development will not result in significant damage to the environment and, further, that all practicable feasible means and measures have been taken to avoid or minimize damage to the environment;

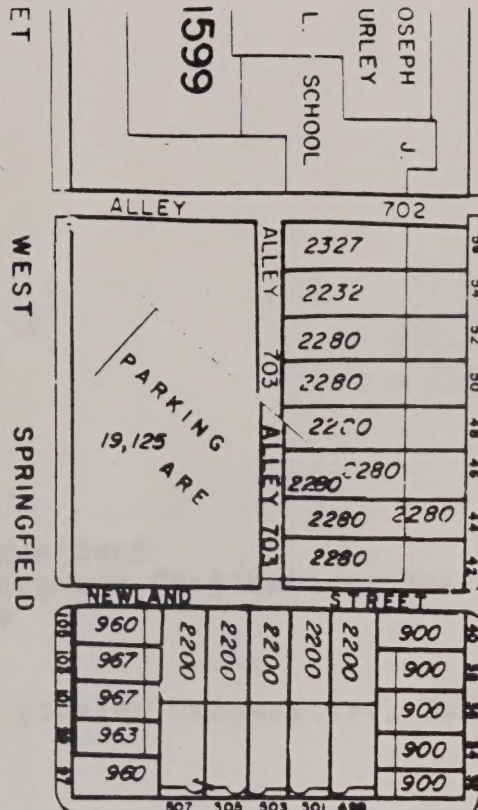
6. That the Authority enter into, and the Director be and hereby is authorized for and in behalf of the Authority, to execute and deliver a Land Disposition Agreement and Deed conveying Parcel RE-7B to Langham Court Limited Partnership, said documents to be substantially in the Authority's usual form, and such other documents in connection with the transaction as the Director may deem reasonable and necessary; and

7. That the Secretary is hereby authorized and directed to publish notice of the proposed disposal transaction in accordance with Section 105(E) of the Housing Act of 1949, as amended, including information with respect to the "Redeveloper's Statement for Public Disclosure" (Federal Form H-6004).

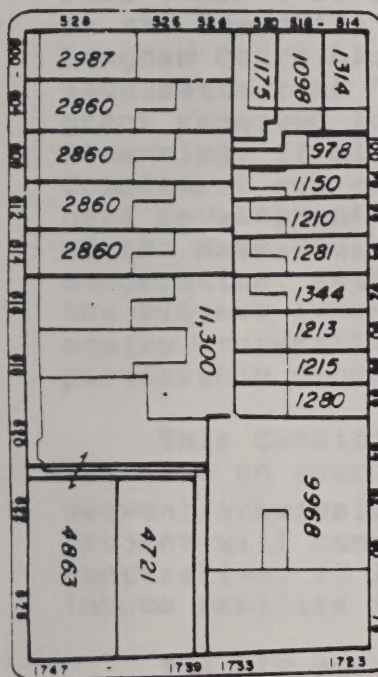
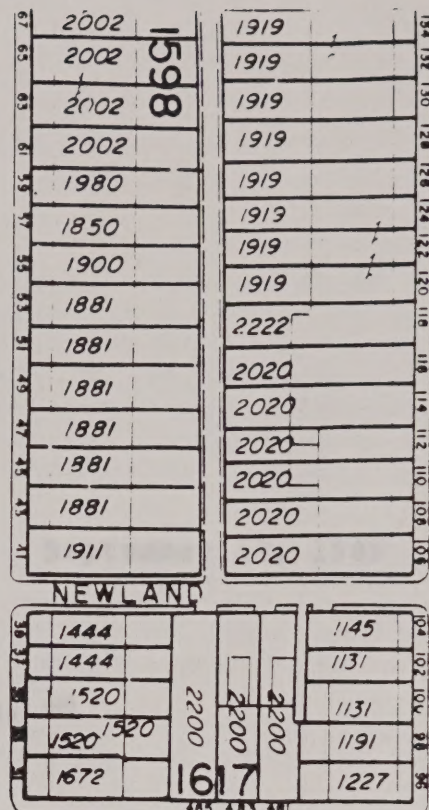
MF1.22



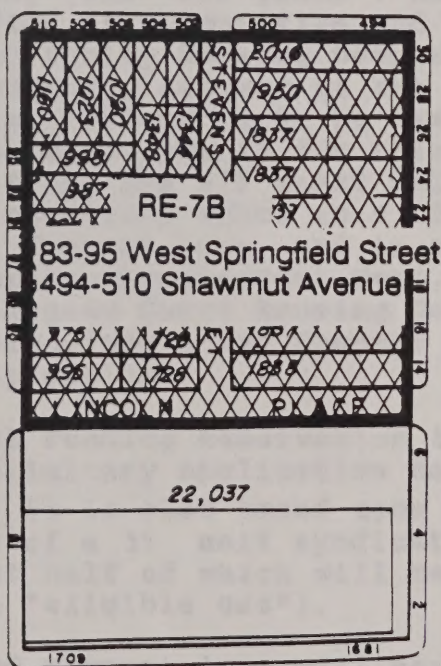
SHAWMUT



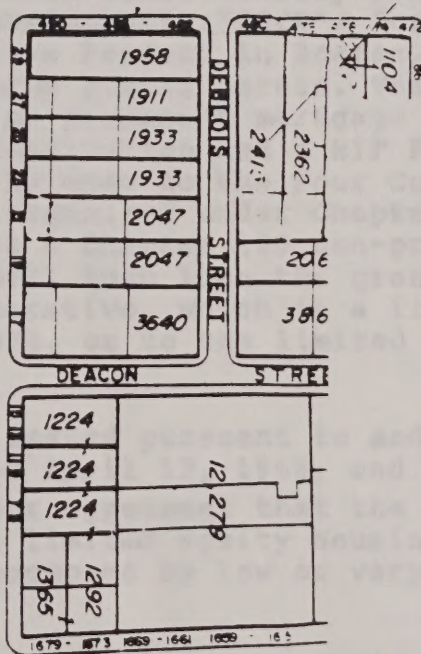
AVENUE



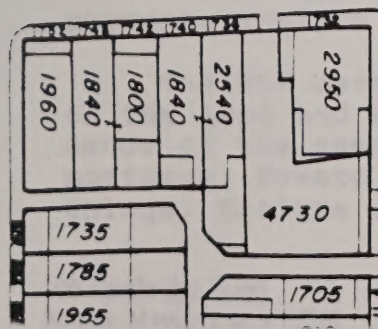
WASHINGTON



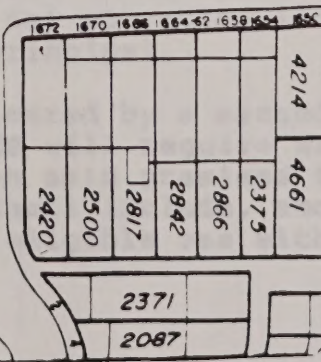
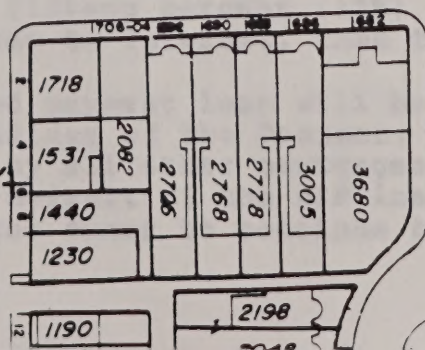
Worcester
Street



STREET



EAST



EXECUTIVE OFFICE OF COMMUNITIES & DEVELOPMENT



Michael S. Dukakis, Governor

Amy S. Anthony, Secretary

Jeanette Boone, President
Four Corners Development Corporation, Inc.
521 Shawmut Avenue
Boston, MA 02118

September 12, 1989

Re: Langham Court Housing Cooperative, Boston, MA

Dear Ms. Boone:

I am pleased to inform you that \$500,000 of Housing Innovations Fund ("HIF") financing (the "HIF grant") has been conditionally reserved by the Executive Office of Communities and Development ("EOCD") for the Langham Court Limited Equity Housing Cooperative Project in Boston, Massachusetts (the "Project"), subject to the terms stated herein. The HIF grant reserved for the Project is to be used as permanent mortgage financing. If all the requirements for this reservation and a HIF Firm Commitment are satisfied, the HIF grant will be made to the Four Corners Development Corporation, which is a CDC organized under Chapter 40F of the Massachusetts General Laws, and is also a Chapter 180 non-profit corporation. Four Corners Development Corp. will then loan the grant to the Project owner, Langham Court Housing Cooperative, which is a limited equity cooperative organized under Chapter 157B, or to the limited partnership ownership entity.

This Conditional Funding Reservation is issued pursuant to and in reliance on your Preliminary Application dated April 13, 1988, and subsequent submissions. It is also based upon your agreement that the Project will consist of a 55 unit syndicated limited equity housing cooperative, at least half of which will be occupied by low or very low income families (the "eligible use").

The HIF deferred payment loan will have a maturity date forty (40) years from the date of the loan closing. The loan will not be repayable prior to its maturity date. It will accrue simple interest at the fixed rate of five percent (5%) per year for twenty (20) years. No repayment will be due before the loan maturity date unless annual cash flow from the Project exceeds fifteen percent (15%) of net operating income, with payments applied first to interest, then to principal.

The HIF deferred payment loan will be secured by a second mortgage on the land and buildings of the Project. EOCD will require written evidence of the assent by all other mortgages on said premises to the HIF mortgage. Events of default of the HIF loan shall include, among other things, failure of the owner to continue the eligible use within the Pro-

Langham Court Cooperative/ Page 2

ject, default by the Project on superior mortgages, nonpayment of the HIF promissory note when due, or change of ownership of title to the Project or change of the legal form of the owner of the Project, without the prior consent of EOCD or its designee. EOCD or its designee may approve the assumption of the HIF loan by another entity it deems appropriate. HIF loan processing fees will be paid directly from HIF program funds and will not be charged to the Project or deducted from the principal amount of the HIF loan.

This Conditional Funding Reservation will result in the issuance of a HIF Firm Financing Commitment to the Project, provided that the Project meets the following conditions, to the satisfaction of the Community Economic Development Assistance Corporation ("CEDAC") and EOCD:

1.) A Final Application for the Project is submitted to CEDAC within six (6) months of the date of this letter. The Final Application must be determined by CEDAC to be complete, and thus must include:

- a complete sources and uses statement for the Project's development budget;
- a current operating pro forma, including a 20 year operating income and expense projection;
- evidence of firm commitment from all other sources of debt, equity capital and letters of credit required, and from all sources of operating revenue and subsidy required;
- identification of all members of the development team;
- a final construction budget based on accepted bid prices from the selected general contractor;
- a development schedule that shows that the construction or permanent financing will close within ninety (90) days of the issuance of the HIF Firm Financing Commitment; and
- all other legal, design, zoning, regulatory and environmental requirements or approvals and site surveys required for the Project.

2.) Evidence of site control at Project closing by a clear title to Langham Court Housing Cooperative or to the limited partnership ownership entity, quality of title to be satisfactory to EOCD's Counsel. All co-op Articles of Organization, By Laws, limited partnership agreements and other operative documents must also be satisfactory to CEDAC and EOCD. CEDAC must approve of the plan adopted for insuring long term co-operative control and long term affordability which survives the term of the limited partnership's ownership of the property, including the best current estimate of the cost of such ownership to the cooperative, and the plan for financing that cost at the point of purchase by the cooperative, as well as the plan for provision and funding of ongoing training and education to the cooperative shareholders.

3.) An agreement to restrict the use of the Project and the income limits and mix of residents, as is described in your HIF Preliminary Application and in accordance with HIF Regulations and Guidelines, for the term of the HIF permanent mortgage.

Langham Court Cooperative/ Page 3

4.) An agreement to provide EOCD with annual financial statements for the Project, to obtain and maintain such hazard, liability and title insurance coverages on the Project in such amounts and on such terms as EOCD may require, and to collaterally assign all leases, rents and security deposits relative to the Project, subject to their prior collateral assignment to prior mortgagees.

5.) Four Corners Development Corporation indicates its willingness to enter into a Grant Agreement with EOCD and to make a deferred payment loan to the Langham Court Housing Cooperative or to the limited partnership ownership entity for the Project, such loan to be secured by a second mortgage on the Project in favor of Four Corners Development Corporation, CEDAC or such other mortgagees as EOCD may direct, and that the Project will comply with all the conditions imposed by the Grant Agreement.

This Conditional Funding Reservation will be in effect for the Project for a maximum period of six months from the date of this letter, or until March 12, 1990. If you realize that you will be unable to submit a Final Application for the Project within this time, then please notify the HIF program Director, Christopher Tawa.

I am pleased with your interest in the Housing Innovations Fund and your commitment to create affordable housing opportunities through the development of limited equity cooperatives. I look forward to seeing the Project move toward completion.

Sincerely,

Amy S. Anthony
Amy S. Anthony
Secretary

cc: CEDAC

Nancy Phillips, Community Builders

This Conditional Funding Reservation shall be deemed accepted when it has been signed and a copy returned to EOCD.
Accepted and agreed to:

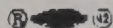
Janette Beane-Smith Pres.
for Four Corners Development Corporation

Date: Oct. 20, 1989



Boston Community Loan Fund, Inc.

30 Germania Street, Jamaica Plain, MA 02130 (617) 522-6768



Nikki Flionis
President
Dewitt Jones
Fund Manager

October 17, 1989

Jeannette Boone
Four Corners Development Corp
521 Shawmut Avenue
Boston, MA 02118

Re: Langham Court Cooperative

Dear Ms. Boone,

On behalf of the Boston Community Loan Fund ("BCLF"), I am pleased to inform you that the BCLF Board of Directors voted to approve a loan in the amount of \$131,525 on the following specific terms and conditions:

Borrower:	Four Corners Development Corporation (4CDC) and Langham Court Cooperative Corporation
Amount:	\$131,525
Project:	Langham Court Limited Equity Cooperative
Use of Funds:	Construction and development costs during construction phase and interim share financing during first 18 months of occupancy
Disbursement:	Full amount upon closing of BCLF loan.
Interest Rate:	6% interest due monthly in arrears on outstanding balance
Date Due:	At least \$105,013 due in 22 months from closing or upon sale of any and all market rate cooperative shares and all subsidized cooperative shares, up to at least 50% of all shares in that income range and bedroom size, whichever occurs first. Outstanding balance due in 40 months from closing or on the sale or refinancing of any cooperative shares after initial closing, whichever occurs first.
Repayment:	From sale of cooperative shares or

refinancing of cooperative share loans by a third party or by monthly or regular repayment of share price by cooperative members.

Prepayment
Penalty:

None

Fees:

4CDC and Langham Court Cooperative shall be responsible for all BCLF expenses regarding this loan.

Security:

Mortgage on property on West Springfield Street at Shawmut Ave and assignment of cooperative shares. BCLF may take a subordinated mortgage position to MHFA and SHARP but in no case shall the total secured debt ahead of and including the BCLF exceed 80% of the actual total development costs or 100% of the appraised value of the completed project.

Lender's Counsel: Thomas Schnorr, Palmer and Dodge

Borrower's Counsel: Rosemary Dodek, Hale and Dorr

Other Terms:

--Any change in the financial structure or the pro formas of this project between date of the BCLF vote (October 11) and closing must be reviewed and approved by the BCLF.

--all other financing, including final and firm commitments of all subsidies, must be in place and closed prior to or simultaneously with the BCLF loan.

--limited equity provision for the resale of the shares must not exceed 7% and must be enforceable in the deed, shares or other appropriate legal documents.

This letter is BCLF's loan commitment to the Borrower. The loan is further subject to all appropriate general conditions set forth on the attached document, "Standard Loan Commitment Conditions".

Prior to closing, we will require the following documents and/or information:

--corporate authorization to borrow funds from BCLF and to grant BCLF a security interest in the negotiated security;

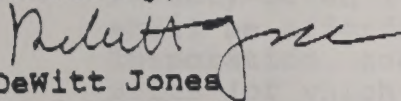
--corporate documents, including but not limited to, evidence of 501 (c) 3 tax exempt or non-profit status, by-laws, articles of incorporation, current list of directors;

--other documents as required by BCLF counsel.

This commitment must be accepted and returned no later than November 15, 1989. The loan must be closed not later than February 1, 1990. Any request for an extension to either deadline must be made in writing.

If you have any questions, please feel free to call me at 522-6768.

Sincerely,


DeWitt Jones
Fund Manager

cc: Thomas Schnorr, Palmer and Dodge
Nancy Phillips, Community Builders
Rosemary Dodek, Hale and Dorr

Accepted by _____ Date _____

Title _____

VOTE OF THE NEIGHBORHOOD HOUSING TRUST

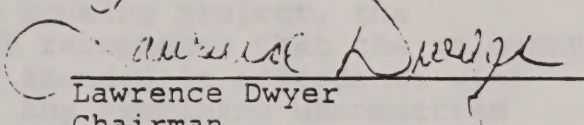
Approved at a Meeting of the Neighborhood Housing Trust

January 12, 1988

VOTED: That the Chair of the Neighborhood Housing Trust be authorized to recommend to the Boston Redevelopment Authority that the two Housing Creation Proposals submitted by the Five Hundred Boylston Street Associates on December 30, 1987, as amended on January 12, 1988 to assist in the creation of affordable housing units in the following two projects: 1) seventy-seven (77) rental units (of which fifty-one (51) units shall be affordable) in the South End by York Bay Development Corporation, and 2) eighty-four (84) cooperative and condominium units (of which fifty-six (56) units shall be affordable) in the South End by the Four Corners Development Development Corporation - be approved as submitted in an amount not to exceed \$2,975,425. contributed over twelve (12) years, with the proviso that said above-noted linkage commitment shall be terminated for each project if no award of SHARP funds is received by December 31, 1988 for that project, and together with such other minor amendments as may be required to implement said affordable housing developments.

Passed unanimously 1/12/88

Attested to on Behalf of the
Neighborhood Housing Trust


Lawrence Dwyer
Chairman

VOTE OF THE NEIGHBORHOOD HOUSING TRUST

Approved at a Meeting of the Neighborhood Housing Trust

Thursday, July 27, 1989

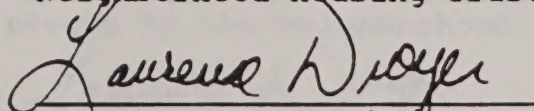
VOTED: That the Neighborhood Housing Trust ("Trust") is authorized to recommend that the Boston Redevelopment Authority ("Authority") act as agent for the Trust for the purpose of negotiating loans to the Trust from the Metropolitan Life Insurance Company and Prudential Insurance Company of America, (together, the "Investors"), as outlined in the above memorandum plus attachments. The Trust is further authorized to recommend that the Authority take the necessary votes to fund the escrow accounts which will act as security for said Investors in the DIP Agreements, and additionally authorizes any minor modifications of said proposals as are necessary to complete and close the loan transactions.

AND FURTHER VOTED:

That in accordance with the Trust policy and practice of including within all Housing Creation votes a proviso which allows for such minor amendments to the Housing Creation proposals as may be necessary to implement said affordable housing project, the Neighborhood Housing Trust recommends that the relevant Housing creation votes be amended in accordance with the attached Schedule A. Any remaining uncommitted funds shall revert to the Trust.

Passed unanimously 7/27/89.

Attested to on behalf of the
Neighborhood Housing Trust

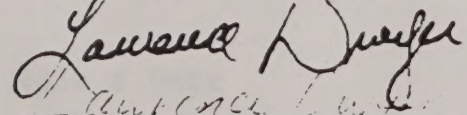

Lawrence Dwyer, Chair

SCHEDULE A-1

USE OF METROPOLITAN LIFE FUNDS

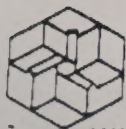
<u>PROJECTS</u>	<u>ORIGINAL PV COMMITMENT</u>	<u>TOTAL PV GAP FUNDS NEEDED BY THIS DATE</u>
Lithgow	\$ 850,000	\$1,100,000
Brooks	1,351,000	1,246,000
SWC	150,000	-
Old Boston	300,000	284,000
Operation Food	150,000	150,000
Langham Court	1,313,000	2,308,000
Parmelee Court	815,000	1,057,000
Dacia	615,000	949,100
IBA	500,000	650,000
Lorne	975,000	975,000
Lower Roxbury	350,000	400,000
O'Reilly School	305,000	305,000
TOTALS	\$7,680,000	\$9,423,300

- 1) Available from Met Life loan and cash on hand = \$10,186,600.
- 2) Amount needed: \$9,424,100.
- 3) Any funds realized from the Met Life loan and not utilized by the above-noted projects shall revert to the Neighborhood Housing Trust.



Lawrence Dwyer, Chair
Neighborhood Housing Trust

Date: 9/25/89



THE
COMMUNITY
BUILDERS

Boston, Providence, Springfield

Patrick F. Clancy
Executive Director

October 19, 1989

OFFICERS

Stephen H. Anthony
President

John F. Bok
Vice President

Jonathan M. Keves
Treasurer

Christopher L. Noble
Clerk

Maria Faria
Boston Redevelopment Authority
Boston City Hall
9th Floor
Boston, MA 02105

RE: Langham Court

Dear Maria:

BOARD OF DIRECTORS

Oliver F. Ames

Stephen H. Anthony

John F. Bok

Phillip L. Clay

F. Douglas Cochrane

William G. Coughlin

Sandra M. Graham

Sandra C. Howell

Jonathan M. Keves

Edward H. Marchant

Christopher L. Noble

This is to confirm my verbal request that the Final Developer Designation on Parcel RE-7B go not to Four Corners Development Corporation, which earlier received Tentative Designation, but to Langham Court Limited Partnership. For financing reasons, the developer and owner of the Langham Court project will be the Limited Partnership rather than Four Corners. The Partnership will be composed of one or more investor limited partners and will have as its initial Managing General Partner an affiliate of Four Corners Development Corporation.

Thank you for making this revision to the documents.

Sincerely,

Nancy E. Phillips
Project Manager

Developing, financing and
managing affordable housing
and commercial properties.

NEP/sp

cc: Rosemary Dodek, Hale & Dorr

The Community Builders, Inc.

95 Berkeley Street, Boston, MA 02116
(617) 693-9595 FAX (617) 695-9805

MEMORANDUM

OCTOBER 26, 1989

TO: BOSTON REDEVELOPMENT AUTHORITY AND
STEPHEN COYLE, DIRECTOR

FROM: THOMAS O'MALLEY, ACTING ASSISTANT DIRECTOR
FOR NEIGHBORHOOD HOUSING AND DEVELOPMENT
MARIA FARIA, SENIOR PROJECT MANAGER

SUBJECT: SOUTH END URBAN RENEWAL AREA, PROJECT NO. MASS. R-56
FINAL DESIGNATION OF REDEVELOPER OF RE-USE
PARCEL RE-7B BOUNDED BY SHAWMUT AVENUE,
WORCESTER AND WEST SPRINGFIELD STREETS

SUMMARY: THIS MEMORANDUM REQUESTS THAT THE BOSTON REDEVELOPMENT AUTHORITY (BRA) GRANT FINAL DESIGNATION TO LANGHAM COURT LIMITED PARTNERSHIP AS REDEVELOPER OF RE-USE PARCEL RE-7B FOR THE PURPOSE OF CREATING 84 COOPERATIVE HOUSING UNITS AND 51 UNDERGROUND PARKING SPACES. FIFTY-FIVE OF THE UNITS WILL BE AFFORDABLE FOR LOW- AND MODERATE-INCOME FAMILIES.

Parcel RE-7B, bounded by Shawmut Avenue, Worcester and West Springfield Streets and Parcel RE-7A consists of about 44,950 square feet of vacant land in the South End Urban Renewal Area, Project No. Mass. R-56. Parcel RE-7B is included in the South End Neighborhood Housing Initiative (SENHI) program.

In response to the SENHI program guidelines, on October 8, 1987, Four Corners Development Corporation (4CDC), a non-profit neighborhood-based organization in the South End, was granted tentative designation as redeveloper of Parcel RE-7B. The plan called for the development of 55 cooperative housing units, 29 condominium units and 51 underground parking spaces. The development team committed to reserve 56 of the units for low- and moderate-income families.

To proceed with the development, 4CDC has created a legal entity called the Langham Court Limited Partnership ("the Partnership") that will hold title to the project. The Partnership will be composed of one or more investor limited partners and will have as its initial Managing General Partner an affiliate of Four Corners Development Corporation.

To make this project more economically feasible, the Partnership made the decision to change the project into an exclusively cooperative housing development. The revised development will contain 84 cooperative housing units in a four- and five-story brick building. Of the 84 units, 28 units will be reserved for low-income families and 27 units will be reserved for moderate-income families. Included in the development will be 51 underground parking spaces.

The total development costs are \$13,653,622. The Partnership has received approval from Massachusetts Housing Finance Agency for construction and permanent mortgage financing in the amount of \$9,825,551. The Neighborhood Housing Trust has committed \$2,308,000. In addition, the Executive Office of Communities and Development (EOCD) has given conditional commitment for Housing Innovations Funds in the amount of \$500,000. The members of the cooperative will purchase shares for amounts totalling \$131,525. The remaining financing will be provided from syndication proceeds in the amount of at least \$888,546. Massachusetts Housing Finance Agency has committed State Housing Assistance for Rental Production (SHARP) funds to the project.

The project has received approvals from the Zoning Board of Appeals and the South End Landmark District Commission. The Final Working Drawings and Specifications have been approved by the BRA's Design Department. Furthermore, there is significant community support for the project.

The project architect is Goody, Clancy and Associates. Dimeo Construction will be the general contractor. The Community Builders will manage the project. The developer expects to start construction in December, 1989. Completion is estimated for the spring of 1991.

It is, therefore, recommended that the Langham Court Limited Partnership be granted final designation as redeveloper of Parcel RE-7B, bounded by Shawmut Avenue, West Springfield, Worcester Streets and Parcel RE-7A, for the purpose of developing 84 mixed-income cooperative housing units and 51 underground parking spaces. Fifty-five units will be available for low- and moderate-income families.

An appropriate resolution is attached.

MF1.22